

HOUSE No. 2591

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to further regulate the right to strike of public employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	9th Suffolk
Christine E. Canavan	10th Plymouth
Martha M. Walz	8th Suffolk
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
Benjamin Swan	11th Hampden
Timothy J. Toomey, Jr.	26th Middlesex
Kay Khan	11th Middlesex
Gloria L. Fox	7th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2730 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO FURTHER REGULATE THE RIGHT TO STRIKE OF PUBLIC EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 9A of chapter 150E of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out said section 9A and inserting in place thereof the following:

- 3 (a) No public employee or employee organization shall engage in a strike, work stoppage, slowdown
4 or withholding of services by such public employees, or to condone or encourage the same,
5 except as otherwise provided in section (b) below.
- 6 (b) Whenever a strike occurs or is about to occur, the employer of the employee organization as the
7 case may be, may petition the commission to make an investigation. The commission shall
8 investigate and shall first determine whether such strike, slow-down or withholding of services so
9 complained of, has been caused in whole or in part by unfair labor practices committed by the
10 employer, as such are set forth in section 10.
- 11 Whenever the commission shall determine, after investigation, that such strike, slowdown or
12 withholding of services by such public employees has been proximately caused by the
13 commission of unfair labor practices by the employer, the commission shall set forth its findings
14 of fact and decision relative thereto, and such employees shall be deemed to engage in lawful,
15 concerted activity for the purpose of collective bargaining or other mutual aid or protection, free
16 from interference, restraint or coercion.